

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71785 of 2022**

Arising Out of PS. Case No.-345 Year-2022 Thana- RAFIGANJ District- Aurangabad

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DHARMENDRA KUMAR @ DHARMENDRA KUMAR MAHTO @
BABAN Son of Rajendra Mahto Resident of village - Kurban Bigha, P.S.-
Daudnagar, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rupa Kumari, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case being Rafiganj P.S.
Case No. 345 of 2022 dated 05.09.2022 registered for the offence
under Sections 461, 379 and 414/34 of the Indian Penal Code.

The case relates to commission of loot from the room
of the informant from where several articles have been stolen by
the unknown persons.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. She further submits that
the petitioner has not been named in the F.I.R. but merely on the
basis of confessional statement of the co-accused, Ravi Kumar
and Upendra Paswan, he has been made accused in this case. In



fact, nothing incriminating as alleged in the F.I.R. has been recovered from the house or conscious possession of the petitioner except generator. She further submits that the said generator which has been seized by the police has been purchased by the petitioner and the same is not the stolen one. She further submits that though the generator of the petitioner has been seized by the police but the same has not yet been put on T.I.P. by the prosecution. She further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. She further contends that co-accused, Upendra Paswan has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.02.2023 passed in Cr. Misc. No. 64934 of 2022. The petitioner is rotting in judicial custody since 13.09.2022

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, Bihar in connection with Rafiganj P.S. Case No. 345 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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